

REMARKS

Claim 2 is pending in the present application and was rejected under 35 U.S.C. § 112, first and second paragraphs. For the following reasons, these rejections may now be withdrawn.

Claim 2 was rejected under § 112, first paragraph on enablement grounds. As amended, claim 2 is now directed to “an isolated mammalian VEGF-D protein,” subject matter that the Office acknowledges to be supported by applicants’ specification. Accordingly, this ground of rejection may be withdrawn.

In addition, claim 2 was deemed indefinite under § 112, second paragraph in reciting the phrase “hybridizing under highly stringent conditions.” This rejection has been met by the amendment to claim 2 as essentially suggested by the Examiner, which specifies not only that “highly stringent conditions” involve gradient hybridization from a temperature of about 68°C to about 55°C for about 2 hours and washing with 2 x SSC solution at room temperature, but also that the claimed nucleic acid have about 90% or higher sequence homology with the sequence set forth in SEQ ID NO: 2. Support for this amendment is found in the specification, for example, on page 4, line 10 to page 5, line 11. Reconsideration on this issue is requested.

For the record, Applicants reserve the right to pursue the canceled subject matter in this or a related continuing application.

Drawings

The drawings were objected to because Figure 4 should use capital letters to denote the two individual panels. This objection will be addressed upon receipt of the Notice of Allowability in this case.

CONCLUSION

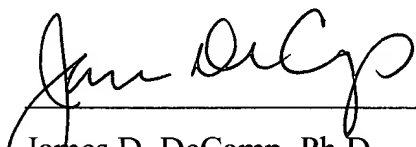
Applicants submit that all of the claims are now in condition for allowance, which action is respectfully requested.

A marked-up version of the amended claim and a clean copy of all pending claims, reflecting entry of the amendments set forth above, are enclosed.

A petition to extend the period for replying for two months, to and including July 5, 2001 is enclosed. Also enclosed is a Notice of Appeal, in which applicants respectfully appeal the final rejection of the pending claim. If there are any other charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

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Version with Markings to Show Changes Made

2. (Twice Amended) An isolated mammalian VEGF-D protein encoded by an isolated nucleic acid hybridizing under highly stringent conditions to the complement of the sequence set forth in SEQ ID NO: 2, wherein said nucleic acid has about 90% or higher sequence homology with the sequence set forth in SEQ ID NO: 2, and said highly stringent conditions involve gradient hybridization from a temperature of about 68°C to about 55°C for about 2 hours and washing with 2 x SSC solution at room temperature, and wherein said protein has a biological activity of a VEGF family protein.